

### REMARKS

This application has been reviewed in light of the Office Action dated October 17, 2008. Claims 1-4, 6-21, and 23-31 and 36-39 are pending. Claims 32-35 have been canceled without prejudice or disclaimer of subject matter. Claims 1-4, 6-21, 23-27, 30-31 and 36 have been amended to define more clearly what Applicants regard as their invention. Claims 37-39 have been added to assure Applicants of a full measure of protection of the scope to which they deem themselves entitled. Claims 1, 10, 18, 27, and 30-31 are in independent form. Favorable reconsideration is requested.

The Office Action states that Claims 1-4, 6-21, 23-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Application Publication No. 20020027994 (*Katayama*), in view of U.S. Patent No. 7,184,548 (*Wee*) and further in view of U.S. Patent No. 4,685,098 (*Yoshida*). Applicants submit that independent Claims 1, 10, 18, 27, and 30-31, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 1 is directed to a method of scrambling a digital signal including decomposing the digital signal into regions, each region containing digital data. The digital signal is encoded in a format having header data specific to each region. Notably, the header data includes a parameter representing a number of bitplanes of samples of a corresponding region. This parameter is modified to cause an erroneous value of an amplitude of the samples, which causes the digital signal to be degraded.

As recognized by the Examiner, *Katayama* does not provide modifying the portion of the header data corresponding to data specific to at least one region of the digital signal, particularly the part of the header data representing the amplitude of the data of the region being considered. Accordingly, *Katayama* fails to provide, “encoding the digital signal in a format comprising header data specific to each region, the header data including a parameter representing a number of bitplanes of samples of a corresponding region” and “modifying the parameter to cause an erroneous value of an amplitude of the samples, thereby causing the digital signal to be degraded,” as recited in Claim 1 (emphasis added).

*Wee* fails to cure the deficiencies of *Katayama*. Initially, all the header data in the *Wee* system are modified and encrypted. Accordingly, once the header data portion is encrypted, the signal data in the payload cannot be decoded. In stark contrast, the “modifying” feature of Claim 1 of the present application “caus[es] the digital signal to be degraded” --not unencodable. Moreover, it is clear that *Wee* did not even contemplate causing the digital signal to be degraded as opposed to being unencodable because *Wee* fails to even specify that a particular portion of the header --much less a header portion representing the amplitude of the data of the region or regions considered -- is encrypted or modified.

Accordingly, *Wee* also fails to teach, suggest or otherwise result in “encoding the digital signal in a format comprising header data specific to each region, the header data including a parameter representing a number of bitplanes of samples of a corresponding region” and “modifying the parameter to cause an erroneous value of an

amplitude of the samples, thereby causing the digital signal to be degraded,” as recited in Claim 1 (emphasis added).

The Examiner looks to *Yoshida* as teaching modifying results to provide erroneous values for the amplitude of the data upon decoding. Applicants submit that *Yoshida* is concerned with a technical field that is very remote from the claimed invention--producing digital data from a recording medium on which a digital data signal modulated in accordance with the run length limited code modulation is recorded together with a frame synchronous signal. *See*, Figures 1D, 1E, and 2, Col. 1, line 19 to col. 3, line 60. Nothing in *Yoshida* has been found that would suggest the “encoding” and “modifying” features of claim 1.

Applicants submit that a combination of *Katayama et al.*, *Wee* and *Yoshida*, assuming such combination would even be permissible, would fail to teach or suggest “encoding the digital signal in a format comprising header data specific to each region, the header data including a parameter representing a number of bitplanes of samples of a corresponding region” and “modifying the parameter to cause an erroneous value of an amplitude of the samples, thereby causing the digital signal to be degraded,” as recited in Claim 1.

Accordingly, Applicants submit that Claim 1 is patentable over the cited art, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a). Independent Claims 18 and 30 are apparatus and computer-readable medium claims that include

“encoding” and “modifying” features similar to those discussed above. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

Independent Claims 10, 27 and 31 are method, apparatus and computer-readable medium claims that descramble digital signals that have been scrambled in accordance with the “encoding” and “modifying” features described above with respect to Claim 1. Accordingly, Claims 10, 27 and 31 contain features similar to those discussed above. Therefore, those claims also are believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual consideration or reconsideration, as the case may be, of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants’ undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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